

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 881, Page 52, Section 536.024, Line 19,
2 by inserting after all of said line the following:

3 "537.556. In all civil actions involving claims that arise from the ownership, maintenance,
4 management, or control of underground hard rock mining or hard rock milling sites that ceased
5 operations prior to January 1, 1975, or that arise from chat or tailings generated at those sites,
6 brought against persons or entities alleged to have owned, maintained, managed, or controlled such
7 sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or
8 exemplary damages with respect to all claims that relate in any way to the ownership, maintenance,
9 management, or control of such sites, chat, or tailings, so long as such persons or entities or their
10 employees, agents, owners, parent, subsidiary, or any related companies have made or are making
11 good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good
12 faith efforts to remediate; however, substantial compliance with an order or permit issued by or
13 negotiated with either the state of Missouri or the United States concerning remediation or closure
14 shall be deemed to be good faith efforts to remediate. The exemption from punitive damages
15 provided for in this section shall not apply if the trier of fact finds that the injury that is the subject of
16 the civil action is attended by circumstances of fraud, malice, or willful and wanton conduct. In the
17 event that good faith efforts to remediate a site have not been made or the injury is found to be
18 attended by circumstances of fraud, malice, or willful and wanton conduct, then the total of any
19 awards of punitive or exemplary damages shall not exceed five hundred thousand dollars in the
20 aggregate as to all defendants in a civil action within this section. The provision of section 537.675
21 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages
22 shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing
23 in this section shall be construed as precluding any party from pursuing compensatory damages,
24 including claims for natural resource damages."; and
25

26 Further amend said bill, Page 57, Section 640.075, Line 7, by inserting after all of said line the
27 following:

28 "640.230.1 Natural resources damages authorized to be recovered by the natural resources
29 trustee designated by the Governor of the State of Missouri to carry out trustee responsibilities under
30 any state or federal law, shall be modified as follows:

31 (1) It is the policy of the State of Missouri to acquire land for future generations. However,
32 nothing in this section shall compel the State to accept a donation of land.

33 (2) Any claim of natural resources damages against a potentially responsible party for a
34 release shall be offset by a credit for the full value of any economic and ecological benefits to the
35 State of Missouri and its citizens of any land or other property rights donated to the State of Missouri
36 by that potentially responsible party or its predecessor in interest calculated from the later of (1) the

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1 date of the donation of land or property rights; (2) the initial date of the release; or (3) the earliest
2 date for which natural resources damages are assessed or claimed.

3 (3) In determining the economic benefits of any land or other property rights donated to the
4 State of Missouri, the trustee shall include any fees and other revenues directly received or to be
5 received by the State of Missouri as well as indirect economic benefits to the State of Missouri and
6 its citizens, including recognition of user spending in the area and the economic multiplier effects on
7 the geographic region, household income, and jobs.

8 (4) In determining the ecological benefits of land or other property rights donated to the
9 State of Missouri, the trustee shall include the full value of all past, present, and future ecological
10 benefits related to the biota, including any values calculated consistent with the valuation of damages
11 by the trustees or the National Contingency Plan.

12 2. Any assessment or claim for natural resources damages of the State of Missouri shall be
13 governed by this section, and the natural resources trustee designated by the Governor of the State of
14 Missouri shall not transfer any such authority to assess or recover damages to such natural resources,
15 whether by agreement or otherwise, to any federal or other trustee of natural resources."; and
16

17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.